

# Wisconsin Administrative Register

No. 609



Publication Date: September 14, 2006

Effective Date: September 15, 2006



Revisor of Statutes Bureau  
<http://www.legis.state.wi.us/rsb/code.htm>

# The 2003 – 04 Wisconsin Statutes and Annotations are now available in bound volumes or on the *WisLaw*<sup>®</sup> CD-ROM

## Bound Volumes:

Prices for the 2003 – 04 Wisconsin Statutes and Annotations bound volumes are detailed below.  
Any sales tax due must be added to these prices:

Hard Cover	Hard Cover	Soft Cover	Soft Cover
<u>With Postage</u>	<u>Without Postage</u>	<u>With Postage</u>	<u>Without Postage</u>
<b>\$152.00</b>	<b>\$146.00</b>	<b>\$130.00</b>	<b>\$124.00</b>

Send orders to the Document Sales and Distribution Section at the address below or call (608) 266–3358. Unless exempt by law, all sales are subject to 5% state sales tax and, where applicable, 0.5% county sales tax and 0.1% stadium tax. Prepayment is required for all orders. Payments by check, money order, or credit card should be made payable to WI Department of Administration. Credit card orders using either VISA or MasterCard may be placed by calling (800) 362–7253 or (608) 264–9419.

## *WisLaw*<sup>®</sup> CD-ROM:

Up-to-date *WisLaw*<sup>®</sup> CD-ROMs are released quarterly by the Revisor of Statutes Bureau. *WisLaw*<sup>®</sup> contains:

- Wisconsin Statutes and Annotations with Index
- Table of Cross-References and Table of Sections Affected by Acts
- Wisconsin Administrative Code with Index, Administrative Register, and Emergency Rules
- Executive Orders
- Wisconsin Acts with Index
- Supreme Court Rules and Internal Operating Procedures
- Recent Opinions of the Attorney General with Index
- Wisconsin Constitution with Annotations and Index
- U.S. Constitution
- Wisconsin Town Law Forms
- Wisconsin Code of Military Justice

All of the above *WisLaw*<sup>®</sup> Infobases are substantially integrated with hypertext links. The statutes now feature thousands of links between administrative rules and their authorizing statutes. State agencies are using *WisLaw*<sup>®</sup> for their legal research. *WisLaw*<sup>®</sup> is distributed by the Document Sales and Distribution Section to state agencies that submit a complimentary annual subscription form.

*WisLaw*<sup>®</sup> is available only by annual subscription. *WisLaw*<sup>®</sup> End-user license and subscription order forms are available at Document Sales or at <http://www.legis.state.wi.us/rsb>. CDs will be delivered only upon receipt of a signed license and subscription form and full payment. An annual subscription plus a license for no more than one simultaneous user costs \$99. Licenses for no more than 4 simultaneous users or for no more than 10 simultaneous users cost \$149 or \$199, respectively. Shipping is included. Unless exempt by law, all sales are subject to 5% state sales tax and, where applicable, 0.5% county sales tax and 0.1% Wisconsin stadium sales tax.

Orders by FAX will **not** be accepted; call (608) 266–3358 or TTY (608) 264–8499 or write to:

The State of Wisconsin  
Department of Administration  
Bureau of Document Services  
Document Sales and Distribution Section  
P.O. Box 7840  
Madison, WI 53707–7840

---



---

## Table of contents

---



---

<b>Emergency rules now in effect.</b>	<b>Pages 6 to 13</b>
Administration:	Rules relating to cost benefit analyses of contractual services.
Agriculture, Trade and Consumer Protection:	Rules relating to a poultry flock certification program.  Rules relating to mobile air conditioners; reclaiming or recycling refrigerant.
Commerce:	<u>Commercial Buildings, Chs. Comm 61 to 65</u> Rules relating to automatic fire suppression for student housing facilities serving colleges and universities.  <u>Financial Resources for Businesses and Communities, Chs. Comm 105 to 131</u> Rules relating to diesel truck idling reduction grants.
Corrections:	Rules relating to a sex offender registration fee.
Elections Board:	Rules relating to the use of funds in a federal campaign committee that has been converted to a state campaign committee.  Rules relating to election day registration and the requirement to provide a driver's license number or other form of identification to register at the polls.
Emergency Management:	Rules relating to disaster assistance for local governments.
Health and Family Services:	Rules relating to licensing emergency medical technicians and affecting small businesses.  Rules relating to prescribing forms for use by physicians, technicians and tissue bank employees when removing organs and tissue, other than cardiovascular tissue from decedents.
Insurance:	Rules affecting <b>ch. Ins 9</b> , relating to preferred provider plan applicability dates and affecting small business plan limited exemption. [ <b>First Appearance</b> ]
Natural Resources:	<u>Fish, Game, etc., Chs. NR 1—</u> Rules relating to regulation of firewood entering and exiting department lands and affecting small businesses.  Rules affecting <b>ch. NR 10</b> , relating to the 2006 migratory game bird season. [ <b>First Appearance</b> ]  <u>Environmental Protection–Water Regulation, Chs. NR 300—</u> Rules relating to regulation of piers, wharves, boat shelters, boat hoists, boat lifts and swim rafts in navigable waterways.  Rules relating to shore erosion control on rivers and streams.

	<u>Environmental Protection – Hazardous Waste, Chs. NR 600-</u>
	Rules affecting <b>chs. NR 660 to 665</b> , relating to hazardous waste management. [ <b>First Appearance</b> ]
Regulation and Licensing:	Rules relating to a code of conduct and renewal requirements for substance abuse professionals.
Transportation:	Rules relating to contractual service procurement.
	Rules affecting <b>ch. Trans 276</b> , relating to allowing the operation of certain 2–vehicle combinations on certain highways without a permit. [ <b>First Appearance</b> ]
Workforce Development:	<u>Labor Standards, Chs. DWD 270–279</u>
	Rules relating to overtime pay for employees performing companionship services.
<b>Scope statements.</b>	<b>Pages 14 to 16</b>
Health and Family Services:	Rules affecting ch. HFS 75, relating to substance abuse counselors, clinical supervisors, and prevention specialists.
Insurance:	Rules affecting ch. Ins 9, relating to preferred provider plan applicability dates and affecting small business and affecting small business.
Natural Resources:	Rules affecting ch. NR 116, to update the administrative code to incorporate current federal regulations, modify existing development standards language, and update technical standards and guidance in code.
	Rules affecting ch. NR 113, relating to rule revisions to incorporate many of its provisions.
	Rules affecting ch. NR 8, relating to developing procedures which will allow the Department to become a member of the International Wildlife Violators Compact.
<b>Submittal of rules to legislative council clearinghouse.</b>	<b>Page 17</b>
Elections Board:	Rules affecting ch. EIBd 1, relating to the use of federal campaign funds in a campaign for a Wisconsin elective office.
Natural Resources:	Rules affecting ch. NR 660 to 666, relating to manifest documents used in conjunction with the transportation of hazardous waste.
Transportation:	Rules affecting ch. Trans 112, relating to medical standards for driver licensing and general standards for school bus endorsements.
	Rules affecting chs. Trans 141 and 156, requiring motor vehicle dealers to issue vehicle titles and registrations electronically, unless exempted by the department.

**Rule–making notices.****Pages 18 to 23**

## Natural Resources:

Environmental Protection–Air Pollution Control, Chs. NR 400–

Hearing to consider rules affecting ch. NR 432, relating to the establishment of provisions for major electric generating units to comply with the Clean Air Interstate Rule (CAIR).

Environmental Protection–Hazardous Waste Management, Chs. NR 600–

Hearing to consider rules affecting chs. NR 600 to 665, relating to manifest documents used in conjunction with the transportation of hazardous waste.

## Transportation:

Hearing to consider rules affecting chs. Trans 141 and 156, requiring motor vehicle dealers to issue vehicle titles and registrations electronically, unless exempted by the department.

Hearing to consider the emergency rule affecting ch. Trans 276, relating to allowing the operation of certain 2–vehicle combinations on certain highways without a permit.

**Submittal of proposed rules to the legislature.****Pages 24 to 25**

## Administration:

Rules affecting ch. Adm 47, relating to the Wisconsin Land Information Program.

Rules affecting ch. Adm 10, relating to cost–benefit analyses of contractual services.

## Commerce:

Rules affecting chs. Comm 2, 20, 21, 60 and 61, relating to erosion control, sediment control and storm water management for the construction of buildings.

Rules affecting chs. Comm 5, 20, 21, 22 and 27, relating to the installation of manufactured homes.

Rules affecting ch. Comm 131, relating to diesel truck idling reduction grants.

## Corrections:

Rules affecting ch. DOC 332, relating to the establishment of an annual sex offender fee.

## Emergency Management:

Rules creating ch. WEM 7, relating to payments to local units of government for damages and costs incurred from major catastrophes.

## Health and Family Services:

Rules affecting chs. HFS 62 and 75, relating to assessment and services for drivers with alcohol or controlled substance problems.

Rules affecting ch. HFS 137, relating to prescribing forms for use by physicians, technicians, and tissue bank employees when removing organs and tissue, other than cardiovascular tissue from decedents.

Rules affecting chs. HFS 110 and 111, relating to licensing emergency medical technicians.

Insurance:	Rules affecting ch. Ins 9, relating to defined network plans, preferred provider plans, and limited service health organizations and affecting small business.
Natural Resources:	Rules affecting ch. NR 320, relating to regulation of bridges and culverts in or over navigable waterways.  Rules affecting chs. NR 406, 407 and 410, relating to air pollution permit exemptions and air pollution permit exemption fees and affecting small business.  Rules affecting ch. NR 45, relating to regulation of firewood entering department lands and affecting small business.  Rules affecting ch. NR 10, relating to 2006 migratory game bird seasons and waterfowl hunting zones.
Public Instruction:	Rules affecting ch. PI 21, relating to driver’s education requirements and aid.  Rules affecting ch. PI 15, relating to establishing qualifications and selection procedures for CESA administrators.
Public Service Commission:	Rules affecting ch. PSC 98, relating to rules concerning regulations of the Price Commission.  Rules relating to assessments attributable to acid deposition studies and monitoring activities, the regulation of certain wireless telecommunications providers, radio common carriers, the repeal of obsolete language and the updating of rule language to be in conformity with current drafting conventions.
Regulation and Licensing:	Rules affecting chs. RL 164 and 165, relating to a code of conduct and renewal requirements for substance abuse professionals.  Rules affecting chs. RL 90 to 94, relating to certification of massage therapists and bodyworkers.  Rules affecting chs. RL 180 to 183, relating to licensed midwives.
Revenue:	Rules affecting ch. Tax 2, relating to the apportionment of net business income of multistate businesses, other than specialized industries.  Rules affecting ch. Tax 1, relating to the discretion that the department will follow in the enforcement of rules and guidelines as they apply to a small business.
Transportation:	Rules affecting ch. Trans 102, relating to operator’s licenses and identification cards.  Rules affecting ch. Trans 105, relating to licensing of driver schools and instructors.  Rules affecting ch. Trans 515, relating to contractual service procurement.
Workforce Development:	Rules affecting chs. DWD 218 to 225, relating to procedures for civil rights complaints.

Rules affecting ch. DWD 127, relating to the unemployment insurance work search.

Rules affecting ch. DWD 129, relating to the unemployment insurance benefit claiming procedures.

Rules affecting ch. DWD 59, relating to grants supporting community child care initiatives.

**Rule orders filed with the revisor of statutes bureau.**

**Page 26**

Commerce:

CR 06-031 – An order affecting ch. Comm 5, relating to licenses, certifications and registrations.

Natural Resources:

CR 05-116 – An order affecting chs. NR 439, 460 and 484, relating to natural emission standards for hazardous air pollutants for industrial, commercial and institutional boilers and process heaters.

CR 06-011 – An order affecting chs. NR 20, 21, 23 and 24, relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

CR 06-012 – An order affecting chs. NR 10, 15, 16 and 19, relating to deer and turkey hunting, hunting and trapping techniques, permit and license issuance, dog training, and learn to hunt programs.

CR 06-022 – An order affecting ch. NR 47, relating to the forestry research and development grant program.

CR 06-027 – An order affecting ch. NR 46, relating to the administration of the Forest Crop Law and Managed Forest Law.

Transportation:

CR 06-043 – An order affecting ch. Trans 327, relating to motor carrier safety.

CR 06-064 – An order affecting ch. Trans 102, relating to CDL exemptions.

---



---

## Emergency rules now in effect

---



---

*Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.*

*Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.*

*Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.*

*Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.*

*Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.*

*Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at [www.legis.state.wi.us/rsb/code](http://www.legis.state.wi.us/rsb/code).*

---

### Administration

Rules adopted revising **ch. Adm 10**, relating to cost benefit analyses of contractual services.

#### Exemption from Finding of Emergency

Section 8(2) of 2005 Wisconsin Act 89 requires the Department of Administration to promulgate rules required under ss. 16.004 (1), 16.705 (2) and 227.11 Stats., by using the emergency rulemaking procedure under s. 227.24, Stats., except that the department is not required to provide evidence that the emergency rule is necessary for the preservation of public peace, health, safety or welfare and is not required to provide a finding of emergency.

#### Plain language analysis

The department intends to promulgate a rule as required by Act 89 to require a cost-benefit analysis to be completed for each bid or request for proposal to compare the cost of contracting for services versus providing the services with state employees.

Currently, all state agencies and UW System campuses may contract for services between \$25,000 and \$200,000 if they can show that the services can be performed more economically or efficiently by such a contract than by state employees. Currently, if the contractual services would be greater than \$200,000, the contracting agency must complete a more rigorous and detailed cost/benefit analysis to demonstrate that the services can be performed more economically or efficiently by such a contract than by state employees. This more rigorous and detailed analysis includes total cost, quality and nature of services required, specialized

skills, time factors, risk factors and legal barriers. Act 89 requires agencies to conduct uniform cost-benefit analysis of each proposed contractual service procurement involving an estimated expenditure of more than \$25,000 in accordance with standards prescribed in the rules. Cost benefit-analysis is defined to include total cost, quality, technical expertise and timeliness of a service.

Act 89 also requires agencies to review periodically, and before any renewal, the continued appropriateness of contracting under each services agreement involving an estimated expenditure of more than \$25,000. Act 89 requires the department to complete an annual summary report of the cost benefit-analysis prepared by state agencies in the preceding fiscal year and recommendations for elimination of unneeded contractual service procurements and for the consolidation or resolicitation of existing contractual service procurements.

**Publication Date: July 1, 2006**

**Effective Date: July 1, 2006**

**Expiration Date: See section 8 (2) of 2005 Wis. Act 89.**

**Hearing Date: August 11, 2006**

---

### Agriculture, Trade & Consumer Protection (2)

1. Rules adopted revising **chs. ATCP 10 and 11**, relating to a poultry flock certification program.

#### Finding of Emergency

(1) The Wisconsin department of agriculture, trade and consumer protection (“DATCP”) administers Wisconsin’s animal health and disease control programs, including the national poultry improvement program (NPIP). The NPIP is designed to prevent the spread of *Salmonella pullorum*, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*. NPIP is governed by 9 CFR 145 and 147. NPIP enrollment is voluntary, but non-enrolled flocks are subject to certain movement restrictions.

(2) Current DATCP rules prohibit the import, use, sale or movement of poultry, farm-raised game birds or their eggs for breeding or hatching unless they originate from flocks that are enrolled in NPIP and meet NPIP standards. Current DATCP rules also prohibit the exhibition of poultry or farm-raised game birds at a fair, exhibition or swap meet unless they originate from an NPIP “pullorum-typhoid clean” or equivalent flock, or are individually tested for pullorum-typhoid.

(3) NPIP is primarily designed for large commercial flocks that move birds or eggs in interstate commerce. NPIP requires yearly testing of all sexually mature birds, and routine inspections. Fees for enrollment in the program differ based on flock size and purpose, and range from \$20 to \$200. NPIP enrollment and testing may be cost-prohibitive for small flocks. Current rules restrict market access and exhibition by small producers of poultry and farm-raised game birds, and impose an unnecessary burden on those producers. Some small producers may be tempted to ignore or subvert current rules, in order to market or exhibit their poultry or farm-raised game birds. That may, in turn, create unnecessary risks of disease.

(4) It is urgently necessary to provide alternative disease monitoring options for small producers of poultry and farm-raised game birds, so that those producers can legally and economically move, market and exhibit their birds. The current lack of alternatives creates an unnecessary economic hardship, and an unnecessary risk of disease spread.

(5) DATCP has proposed rules which would create practical disease monitoring alternatives for small producers of poultry and farm-raised game birds. DATCP is proceeding to adopt those rules by normal rulemaking procedures. However, normal rulemaking procedures require at least a year to complete. A temporary emergency rule is needed to eliminate unnecessary hardship and risk in the short term, and to provide practical and effective disease monitoring for this year's fair and exhibition season.

**Publication Date:** March 3, 2006  
**Effective Date:** March 3, 2006  
**Expiration Date:** July 31, 2006  
**Hearing Date:** March 31, 2006  
**Extension Through:** September 28, 2006

2. Rules adopted revising **ch. ATCP 136**, relating to mobile air conditioners; reclaiming or recycling refrigerant.

(1) The Wisconsin department of agriculture, trade and consumer protection ("DATCP") administers s. 100.45, Stats. DATCP has adopted rules under ch. ATCP 136 to implement s. 100.45, Stats. The current rules regulate the sale and installation of mobile air conditioner refrigerants, including "substitute refrigerants" such as R 134A. Among other things, the current rules prohibit the sale of mobile air conditioner refrigerants in containers holding less than 15 lbs. of refrigerant.

(2) On June 28, 2006, the Legislature's Joint Committee for Review of Administrative Rules (JCRAR) voted to suspend all current state rules related to the installation and sale of "substitute refrigerants" of any kind. This broad exemption will become effective on July 7, 2006 unless by that date DATCP adopts a narrower alternative exemption by emergency rule. The narrower exemption specified by JCRAR would apply only to the sale of the "substitute refrigerant" R 134A. The exemption would allow the sale of R 134A to the general public in "do-it-yourself" containers holding less than 15 lbs.

(3) DATCP is adopting this emergency rule for the sole purpose of preventing a broader JCRAR suspension of rules that currently prevent the release of mobile air conditioner refrigerant into the environment.

**Publication Date:** July 12, 2006  
**Effective Date:** July 12, 2006  
**Expiration Date:** December 9, 2006  
**Hearing Date:** August 15, 2006

---

### Commerce

#### (Commercial Buildings, Chs. Comm 61-65)

Rules adopted revising **ch. Comm 62**, relating to automatic fire suppression for student housing facilities serving colleges and universities.

### Finding of Emergency

Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of a rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. In accordance with sections 101.14 (4) (b) 3., Stats., and the provisions under 2005 Wisconsin Act 78, the department has the responsibility to promulgate rules requiring the installation of automatic fire sprinkler systems in various student housing facilities serving colleges and universities.

2. 2005 Wisconsin Act 78 was published on January 6, 2006, making January 7, 2006 the effective date of the Act.

3. Various provisions of the Act specified the effective date as the trigger to install the automatic fire sprinkler systems.

4. The department recognizes that promulgating this emergency rule will incorporate under the commercial building code, chapters, Comm 61 to 65, specific design and construction standards for new student housing facilities that are consistent with the intent of the Act.

5. The department recognizes that without promulgating this emergency rule, there could be confusion in design of any new student housing to be constructed in the very near future. The omission of the automatic fire sprinkler system during the initial design and construction would potentially place lives at greater risk.

6. In addition, the department recognizes that without promulgating this emergency rule, the confusion in omitting the automatic fire sprinkler system would result in additional costs to retrofit the installation of the system in order to fulfill the statutory obligation based upon the effective date of the Act.

**Publication Date:** March 4, 2006  
**Effective Date:** March 4, 2006  
**Expiration Date:** August 1, 2006  
**Hearing Date:** May 15, 2006  
**Extension Through:** September 29, 2006

---

### Commerce

#### (Financial Resources for Businesses and Communities, Chs. Comm 105 to 131)

Rule adopted creating **ch. Comm 131**, relating to diesel truck idling reduction grants.

### Exemption from Finding of Emergency

The legislature by Section 9108 (1w) in 2005 Wisconsin Act 25, provides an exemption from a finding of emergency for the adoption of this rule.

The rules specify who is eligible for receiving a grant in this program for purchasing and installing diesel truck idling reduction equipment. Eligible costs are also specified, along with how to apply for the grants. Parameters for awarding the grants are likewise specified. These parameters include (1) disallowing grants to any applicant who is failing to comply with any conditions imposed on any previous grant received in this program; and (2) alerting applicants that the Department may (a) refuse to award grants for idling reduction equipment on truck tractors that do not have a sleeper berth, (b) annually allocate up to 25 percent of the grant funding to applicants who own and operate 50 or fewer truck tractors, and (c) set deadlines for submitting applications, and then prorate the awards to the applicants if

the total funding requested in the applications exceeds the available revenue.

**Publication Date:** June 30, 2006  
**Effective Date:** July 1, 2006  
**Expiration Date:** November 28, 2006  
**Hearing Date:** July 25, 2006

### Corrections

A rule was adopted creating **s. DOC 332.19**, relating to a sex offender registration fee.

#### Finding of Emergency

The department of corrections finds that an emergency exists and that rules are necessary for the immediate preservation of public peace, health, safety and welfare. A statement of the facts constituting the emergency is: Under 2005 WI Act 25, the legislature authorized the department to establish a sex offender registration fee. If the rule is not created promptly and immediately, the department will not be able to collect the fees which are to be used to offset the costs of monitoring probationers, parolees, or persons on extended supervision, which could result in a lessening of supervision due to budget limitations.

The purpose of the emergency rule is to establish an annual sex offender registration fee to partially offset the costs of monitoring persons who are on probation, parole, or extended supervision. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary to respond promptly to the collection of fees while permanent rules are being developed.

**Publication Date:** June 8, 2006  
**Effective Date:** June 8, 2006  
**Expiration Date:** November 5, 2006  
**Hearing Date:** July 18, 2006

### Elections Board (2)

1. Rules adopted creating **s. EIBd 1.395**, relating to the use of funds in a federal campaign committee that has been converted to a state campaign committee and relating to the use of those converted funds whose contribution to the federal committee would not have been in compliance with Wisconsin law if the contribution had been made directly to a state campaign committee.

#### Finding of Emergency

The Elections Board finds that an emergency exists in the recent change in federal law that permits the transfer of the funds in a federal candidate campaign committee's account to the candidate's state campaign committee account and finds that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

Since the Bi-Partisan Campaign Reform Act of 2002 (BICRA), transfers of funds from a federal campaign committee to a state campaign committee had not been authorized under federal law. In November, 2004, Congress amended the Federal Election Campaign Act, (H.R. 4818, s. 532 (3) and 532 (4), to permit the transfer of a federal candidate's campaign committee's funds to the candidate's

state campaign committee, if state law permitted, and subject to the state law's requirements and restrictions.

Because of Congress' action in November, 2004, money which had not been available to a state committee under BICRA, and which might not have qualified for use for political purposes in a state campaign because of its source or because of other noncompliance with state law, could now be transferred to a state committee, if state law permitted. Wisconsin law, under the Board's current rule, s. EIBd 1.39, Wis. Adm. Code, allows for conversion of federal campaign committees, and their funds, to a state campaign committee without regard to the source of those funds and without regard to contribution limitations.

Restricting the use of such money to that money which has been contributed to the candidate's federal committee, under circumstances in which the contribution would have complied with Wisconsin law if it had been given directly to the Wisconsin campaign committee, is found to be in the public interest.

**Publication Date:** February 3, 2005  
**Effective Date:** February 3, 2005\*/\*\*  
**Expiration Date:** December 3, 2006  
**Hearing Date:** May 18, 2005

\* On February 9, 2005, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

\*\* The legislative session ended on July 12, 2006, with no action on the bill that would have sustained the suspension action.

2. Rules were adopted creating **s. EIBd 3.04**, relating to election day registration and the requirement to provide a driver's license number or other form of identification to register at the polls.

#### Finding of Emergency

The Elections Board finds that an emergency exists in the 2002 change in federal law that requires persons who have been issued a current and valid driver's license to list that number in completing a voter registration application or their registration may not be processed.

In 2002, Congress enacted the Help America Vote Act to address problems and issues that surfaced in the 2000 presidential election. Section 303(a)(5)(A)(i) of the Act provided that "an application for voter registration for an election for Federal office may not be accepted or processed by a state unless the application includes – in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number." To comply with federal law, but also to avoid disenfranchising those Wisconsin election day registrants who have been issued a current and valid Wisconsin driver's license but do not provide that number on their registration form, the Board has adopted s. EIBd 3.04, providing for the issuance of a provisional ballot to those registrants, pursuant to s. 6.97, Stats. Under that statute, the provisional ballot will be counted if the registrant provides, by any means feasible, his or her driver's license number to the clerk of the municipality in which the registrant has voted, not later than 4:00 p.m., on the day following the election.

Previously, the Board's policy had been to process the election day registration of those registrants who failed to list their driver's license number on their registration application, if they had provided, on their registration form, a Wisconsin-issued Identification Card Number or the last four digits of their Social Security Number. Whether that policy complied with federal law had been in issue. Assuring that Wisconsin's practice complies with federal law and obtaining

that assurance before election day, by the promulgation of this emergency rule, is found to be in the public interest.

**Publication Date:** July 31, 2006  
**Effective Date:** July 31, 2006  
**Expiration Date:** December 28, 2006  
**Hearing Date:** October 4, 2006

## Emergency Management

Rule adopted creating **ch. WEM 7**, relating to disaster assistance for local governments.

### Finding of Emergency

The Wisconsin Division of Emergency Management finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting an emergency is as follows:

1. The 2005 Wis. Act 269 created the major disaster assistance program under Wis. Stats. § 166.03 (2) (b) 9. An annual appropriation of \$3,000,000 SEG A for fiscal years 2005–06 and 2006–07 was established under Wis. Stats. § 20.465 (3) (b) (s) from the petroleum inspection fund. These funds were provided to make payments to local units of government for damages and costs incurred as a result of a major catastrophe. This Act was made retroactive to January 1, 2005.

2. The Act requires the Wisconsin Department of Military Affairs, through its Division of Emergency Management, to promulgate rules to implement and establish the application process and the criteria to determine eligibility under the major disaster assistance program. The Division will immediately begin the permanent rule-making process for establishing administrative rules for these payments, but cannot complete the required hearings and review of these rules prior to the lapse of funds retained in the major disaster assistance appropriation for fiscal year 2005–06.

3. To ensure that appropriated funds for fiscal year 2005–06 are timely paid to local governmental units for damages and eligible costs incurred as a direct result of major catastrophes, emergency administrative rules must be established immediately.

**Publication Date:** June 8, 2006  
**Effective Date:** June 8, 2006  
**Expiration Date:** November 5, 2006  
**Hearing Date:** August 14, 15, 16 & 17, 2006

## Health and Family Services (2) (Health, Chs. HFS 110—)

1. Rules were adopted revising **chs. HFS 110 and 111**, relating to licensing emergency medical technicians and affecting small businesses.

### Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public, health, safety and welfare.

The facts constituting the emergency are as follows:

In Wisconsin there are approximately 430 ambulance service providers. Approximately 80% are volunteer (not for profit) or owned by private for profit entities. The remaining 20% are government owned. A total of 129 ambulance service providers and 2,812 licensed individuals in 48 counties currently provide emergency medical services at the EMT–basic–IV (74) or EMT–provisional intermediate (55) level to approximately 2.65 million Wisconsin residents. The provider industry estimates that these ambulance service providers are losing approximately \$1.5 million dollars in reimbursement revenues annually due to the codification of the EMT–basic IV services in ch. HFS 110 as basic life support. The loss is likely to increase when the provisional EMT–intermediate is renamed EMT–basic IV effective July 1, 2006, and an estimated 95% of the individuals who are currently licensed and titled as provisional EMT–intermediate will be renamed EMT–basic IV. Ambulance service providers report that they cannot continue to cover the costs of training and operating at the advanced life support level of care while being reimbursed at the basic life support level of care. Consequently, the level of emergency medical services provided in over half of the state’s 72 counties may be reduced or become non–existent unless changes are implemented.

To maintain the level of emergency medical services that are currently being provided and to avoid confusion about the skills and level of care provided by the EMT–basic IV licensee, the department in these emergency rules is changing the name of the EMT–basic IV license to EMT–intermediate technician and moving the licensing requirements to ch. HFS 111. These changes will allow ambulance service providers to charge for both at the higher rate of reimbursement. In addition, these emergency rules will modify the continuing education requirements under ch. HFS 110 to allow ambulance service providers flexibility in providing refresher training to EMT–basic licensees. This change will reduce financial and scheduling burdens on providers by allowing them to use their training dollars more cost effectively.

**Publication Date:** July 1, 2006  
**Effective Date:** July 1, 2006  
**Expiration Date:** November 28, 2006  
**Hearing Dates:** July 25, 26 and 27, 2006

2. Rules adopted creating **ch. HFS 137**, relating to prescribing forms for use by physicians, technicians and tissue bank employees when removing organs and tissue, other than cardiovascular tissue from decedents.

### Exemption from Finding of Emergency

The legislature by 2005 Wisconsin Act 230 requires these rules to be promulgated as emergency rules and exempts the Department from making a finding of emergency or providing evidence that these rules as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare.

Plain language analysis:

The Department is required by 2005 Wisconsin Act 230 to appoint an advisory committee to assist the Department in prescribing, by rule, a form for removal of organs and a form for removal of tissue, other than cardiovascular tissue, for use by physicians, technicians, and tissue bank employees under section 157.06 (4m) (e) of the statutes, as created by Act 230. Section 157.06 (4m) (e), Stats., requires a physician who removes tissue or an organ from a decedent or a technician or tissue bank employee who removes tissue from a decedent under s. 157.06 (4m), Stats., to complete the form created by the Department and transmit the form to the coroner or medical examiner with jurisdiction over the decedent.

As required by section. 12. (1) (b) of Act 230, the Department intends to promulgate permanent rules that are substantially identical to the emergency rules.

Because these rules only prescribe forms, the Department will, as allowed under s. 227.23, Stats., promulgate these rules without adhering to the notice and public hearing requirements set forth under ch. 227, Stats. Also, as allowed under s. 227.23, Stats., the forms prescribed by the proposed rules will not be published in the Wisconsin administrative code or the Wisconsin Administrative Register, but will be listed by title and description with a statement as to how the forms may be obtained.

**Publication Date:** July 24, 2006  
**Effective Date:** August 1, 2006  
**Expiration Date:** December 29, 2006

---

## Insurance

Rules adopted creating **ss. Ins 9.25 (8) and 9.27 (4)**, Wis. Adm. Code, relating to preferred provider plan applicability dates and affecting small business plan limited exemption.

### Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows:

The rule identifies a limited group of policies issued by licensed insurers offering preferred provider plans that do not comply with newly promulgated ch. Ins 9, Wis. Adm. Code. In compliance with the request of the Joint Committee for the Review of Administrative Rules (JCRAR), this rule must be issued as an emergency rule and permanent rule. It is not possible to complete the permanent rule process prior to the effective date of the chapter, January 1, 2007, therefore this emergency rule is necessary.

The commissioner has filed a notice of scope for drafting the permanent rule corresponding to this emergency rule and will continue with the permanent rule making process. It is intended that one rule hearing can be held to comply with both the emergency rule and permanent rule requirements.

**Publication Date:** August 31, 2006  
**Effective Date:** September 1, 2006  
**Expiration Date:** January 29, 2007

---

## Natural Resources (2) (Fish, Game, etc., Chs. NR 1—)

1. Rules were adopted creating **s. NR 45.04 (1) (g)**, relating to regulation of firewood entering and exiting department lands and affecting small businesses.

### Finding of Emergency

It is important to have restrictions on out-of-state firewood entering department lands in place this camping season due to recent developments in efforts to eradicate and quarantine emerald ash borer in the areas where it is currently established. In Michigan, Ohio, Indiana and Ontario, eradication programs are being dramatically scaled back or abandoned entirely for this summer. A recent audit of quarantine efforts in Michigan where emerald ash borer is most abundant and widespread is critical and faults their

program for lax enforcement and poor education of the public to the dangers of moving firewood. Given this situation, a need for an external quarantine to protect Wisconsin forest resources, industry, and community trees becomes obvious. The Wisconsin Department of Agriculture, Trade and Consumer Protection has proposed an external quarantine on host material of emerald ash borer and three other invasive pests and diseases and our firewood regulation would help support this effort, provide an opportunity for education of the public and reduce one of the reasons people move firewood: for use while camping.

**Publication Date:** March 27, 2006  
**Effective Date:** April 1, 2006  
**Expiration Date:** August 29, 2006  
**Hearing Date:** July 5, 2006  
**Extension Through:** October 27, 2006

2. Rules adopted revising **ch. NR 10**, relating to the 2006 migratory game bird seasons.

### Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

**Publication Date:** August 31, 2006  
**Effective Date:** August 31, 2006  
**Expiration Date:** January 28, 2007

---

## Natural Resources (2) (Environmental Protection – Water Regulation, Chs. NR 300—)

1. Rules adopted revising **ch. NR 326**, relating to regulation of piers, wharves, boat shelters, boat hoists, boat lifts and swim rafts in navigable waterways.

### Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and

interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30–day public notice. The required 30–day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water–based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision–making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

**Publication Date:** April 19, 2004  
**Effective Date:** April 19, 2004\*/\*\*  
**Expiration Date:** October 4, 2006  
**Hearing Date:** May 19, 2004

\*On June 24, 2004, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

\*\* The legislative session ended on July 12, 2006, with no action on the bill that would have sustained the suspension action.

- Rules adopted creating **ss. NR 328.31 to 328.36**, relating to shore erosion control on rivers and streams.

#### **Finding of Emergency**

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature enacted 2003 Wisconsin Act 118 to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

Act 118 identifies certain activities that may be undertaken as exempt from a permit, or under a general permit. There are no statutory exemptions for shore protection on rivers and streams. Without emergency rules to create general permits, all shore protection projects on rivers and streams require an individual permit with an automatic 30–day public notice. The required 30–day comment period will unnecessarily delay projects that otherwise could go ahead with prescribed conditions established in a general permit. To carry out the intention of Act 118 to speed decision–making but not

diminish the public trust in state waters, these emergency rules are required to establish general permits to be in effect for the 2006 construction season, with specific standards for shore erosion control structures on rivers and streams.

**Publication Date:** May 5, 2006  
**Effective Date:** May 8, 2006  
**Expiration Date:** October 4, 2006  
**Hearing Date:** June 13, 2006

---

### **Natural Resources (Environmental Protection – Hazardous Waste, Chs. NR 600—)**

Rules adopted revising **chs. NR 660 to 665**, relating to hazardous waste management.

#### **Finding of emergency**

The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

In 2001, EPA proposed regulations to change the hazardous waste manifest requirements under the federal Resource Conservation and Recovery Act (RCRA) to eliminate all state–specific manifest requirements and to require electronic submittal of the manifests. The EPA's final rule was published March 4, 2005, with correcting amendments published on June 16, 2005, and the effective date is September 5, 2006. The new regulations require the use of standardized manifest forms in all states and require certification from EPA in order to print the manifest forms. (Final action on the e–manifest was postponed.) Unlike most RCRA rules, this federal regulation will take effect, nation–wide, on the effective date. The new federal requirements will apply in all states, including Wisconsin, but will not override or supersede Wisconsin's state–specific hazardous waste manifest requirements. Accordingly, the potential exists for conflicting or additional state manifest requirements to exist beginning on that date, and the advantages of a single, uniform nationwide rule will be lost.

The normal administrative rulemaking process cannot be completed in time to conform Wisconsin's hazardous waste manifest requirements to the new EPA manifest regulations by their September 5, 2006 effective date. However, failure to adopt the new federal requirements as state rules by this date may cause legal uncertainty and potential confusion among hazardous waste generators, transporters and treatment, storage and disposal facility operators, as well as state regulatory program staff. This could interfere with interstate commerce and the orderly functioning of government, imposing unnecessary regulatory costs on Wisconsin individuals and businesses and out–of–state companies doing business in Wisconsin, to the detriment of the public welfare. More importantly, the potential confusion caused by different state and federal manifest requirements could lead to improper transportation and management of hazardous wastes, resulting in a threat to public health or safety and the environment.

**Publication Date:** September 2, 2006  
**Effective Date:** September 5, 2006  
**Expiration Date:** February 2, 2007  
**Hearing Date:** September 26, 2006

[See Notice this Register]

---

## Regulation and Licensing

Rules were adopted creating **chs. RL 164 and 165**, relating to a code of conduct and renewal requirements for substance abuse professionals.

### Plain language analysis

The purpose of this emergency rule is to create a code of conduct to facilitate assumption of disciplinary proceedings as part of the transfer of the regulation of substance abuse professionals from the Department of Health and Family Services to the Department of Regulation and Licensing. The emergency rule also sets forth the requirements for renewal.

The Department of Regulation and Licensing must promulgate this emergency rule for the period before the effective date of the permanent rules as promulgated under Wis. Stats. s. 440.88 (3). Under the previous regulatory scheme, the Department of Health and Family Services and the Wisconsin Certification Board had established a code of conduct and restrictions on late renewals. This emergency rule continues the applicability of the rules until the department, with the advice of the Advisory Committee, can establish permanent rules.

### Exemption from finding of emergency

Section 9140 (1q) of 2005 Wisconsin Act 25 states in part: “Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.”

**Publication Date:** April 15, 2006  
**Effective Date:** April 15, 2006  
**Expiration Date:** September 12, 2006  
**Hearing Date:** June 27, 2006  
**Extension Through:** November 10, 2006

---

## Transportation (2)

1. Rules adopted creating **ch. Trans 515**, relating to contractual service procurement.

### Exemption from finding of emergency

The Legislature, by Section 8 of 2005 Wis. Act 89, provides an exemption from a finding of emergency for the adoption of the rule.

### Analysis Prepared by the Department of Transportation

The proposed rule requires a cost benefit analysis before procuring engineering or other specialized services under s. 84.01 (13), Stats., in excess of \$25,000 when those services are normally performed by state employees. The required analysis includes a comparison between the costs of contracting out and performing the services with state employees. The analysis also considers other subjective factors such as timeliness, quality and technical expertise.

**Publication Date:** July 1, 2006  
**Effective Date:** July 1, 2006  
**Expiration Date:** See section 8 (2) of 2005 Wis. Act 89  
**Hearing Date:** August 8, 2006

2. Rules adopted revising **ch. Trans 276**, relating to allowing the operation of certain 2–vehicle combinations on certain highways without a permit.

### Exemption from finding of emergency

The Legislature, by Section 7 of 2005 Wis. Act 363, provides an exemption from a finding of emergency for the adoption of the rule.

### Plain language analysis

Section 348.07 (1), Stats., historically has limited vehicle lengths on Wisconsin highways to 65 feet. Section 348.07(2), Stats., allowed vehicles meeting the specifications of that subsection to operate without permits despite exceeding the 65–foot limit of subsection (1).

2005 Wis. Act 363 amended s. 348.07, Stats., and essentially made 75 feet the default permitted length on the state trunk highway system. Wisconsin’s old default 65–foot overall length limit still applies on all local roads but only applies to state trunk highways that are designated as 65–foot restricted routes by the Department. This emergency rule making establishes a preliminary list of such “65–foot restricted routes.”

Prior to Act 363, s. 348.07 (4), Stats., permitted the Department to designate “long truck routes” upon which no overall length limits apply. The Department designates the state’s long truck routes in s. Trans 276.07. This rule making does not affect those longstanding designations.

The new “default” 75–foot overall length limit applies on state highways that are neither designated as 65–foot restricted routes under this rule making nor long truck routes under s. Trans 276.07.

Definitions have been added to the rule to make it easier to identify the nature of designations made by the Department in Ch. Trans 276.

In drafting this rule the Department noticed several items that it believes may be of special interest to the legislature and which, in the Department’s view, deserve special legislative attention. First, Act 363 did not grant any authority for 75–foot vehicles using the new 75–foot routes to leave those routes to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly facilities or points of loading or unloading. The Department does not believe this oversight was intentional and, on an emergency basis, has designated the intersection of each 75–foot route and any other highway as a long truck route under its authority in s. 348.07 (4), Stats. This will permit trucks to exceed the 65–foot default length limit on local roads to access such facilities and make deliveries. The Department encourages the legislature to consider statutorily establishing access rights for vehicles using 75–foot restricted routes.

The second consequence of Act 363 the Department has discovered in drafting this emergency rule is that one statute that formerly restricted double–bottom tractor–trailer combinations to the state’s long–truck network was repealed by the deletion of the reference to s. 348.07 (2) (gm), Stats., by the Act’s amendment of s. 348.07 (4), Stats. Under the amended statute, as revised by Act 363, it might appear to a reader that double bottom trucks of unlimited length may operate upon any highway in the state, including local roads and streets, without permits. Section 348.08 (1) (e), Stats., however, continues to provide that double–bottom trucks be restricted to highways designated by the department under s. 348.07 (4). WisDOT believes this provision continues to limit double–bottom operation to long truck routes designated by the Department under s. 348.07 (4), Stats. WisDOT would suggest the deleted reference to (2) (gm) in 348.07 (4), Stats., be re–inserted into the statute to avoid confusion.

Finally, the Department notes that s. 348.07, Stats., is becoming difficult to decipher from a legal standpoint

because of the many amendments that have been made to it over the years. It may be that recodifying the statute for the purpose of clarification of the length limitations of Wisconsin law would be helpful to truck and long vehicle operators in this state.

**Publication Date:** September 15, 2006  
**Effective Date:** September 15, 2006  
**Expiration Date:** February 12, 2007  
**Hearing Date:** October 4, 2006  
 [See Notice this Register]

---

### **Workforce Development (Labor Standards, Chs. DWD 270–279)**

Rules adopted revising **ss. DWD 274.015 and 274.03** and creating **s. DWD 274.035**, relating to overtime pay for employees performing companionship services.

#### **Finding of emergency**

The Department of Workforce Development finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

On January 21, 2004, pursuant to s. 227.26(2)(b), Stats., the Joint Committee for Review of Administrative Rules directed the Department of Workforce Development to promulgate an emergency rule regarding their overtime policy for nonmedical home care companion employees of an agency as part of ch. DWD 274.

#### **Analysis Prepared by the Department of Workforce Development**

Statutory authority: Sections 103.005, 103.02, and 227.11, Stats.

Statutes interpreted: Sections 103.01 and 103.02, Stats.

Section 103.02, Stats., provides that “no person may be employed or be permitted to work in any place of employment or at any employment for such period of time during any day, night or week, as is prejudicial to the person’s life, health, safety or welfare.” Section 103.01 (3), Stats., defines “place of employment” as “any manufactory, mechanical or mercantile establishment, beauty parlor, laundry, restaurant, confectionary store, or telegraph or telecommunications office or exchange, or any express or transportation establishment or any hotel.”

Chapter DWD 274 governs hours of work and overtime. Section DWD 274.015, the applicability section of the chapter, incorporates the statutory definition of “place of employment” and limits coverage of the chapter to the places of employment delineated in s. 103.01 (3), Stats., and various governmental bodies. Section DWD 274.015 also provides that the chapter does not apply to employees employed in domestic service in a household by a household.

Section 103.02, Stats., directs that the “department shall, by rule, classify such periods of time into periods to be paid for at the rate of at least one and one-half times the regular rates.” Under s. DWD 274.03, “each employer subject to this chapter shall pay to each employee time and one-half the regular rate of pay for all hours worked in excess of 40 hours per week.” Section DWD 274.04 lists 15 types of employees who are exempt from this general rule and s. DWD 274.08 provides that the section is inapplicable to public employees.

Nonmedical home care companion employees who are employed by a third-party, commercial agency are covered by the overtime provision in s. DWD 274.03. Section DWD 274.03 applies to all employees who are subject to the chapter and not exempt under ss. DWD 274.04 or 274.08. The chapter applies to companion employees of a commercial agency because under s. DWD 274.015 a commercial agency is considered a mercantile establishment. Section DWD 270.01 (5) defines a mercantile establishment as a commercial, for-profit business. The chapter does not apply to companion employees of a nonprofit agency or a private household. In addition, none of the exemptions to the overtime section in ss. DWD 274.04 or 274.08 apply to companion employees of a commercial agency.

The Joint Committee for the Review of Administrative Rules has directed DWD to promulgate an emergency rule regarding the overtime policy for nonmedical home care companion employees of an agency. This provision is created at s. DWD 274.035 to say that employees who are employed by a mercantile establishment to perform companionship services shall be subject to the overtime pay requirement in s. DWD 274.03. “Companionship services” is defined as those services which provide fellowship, care, and protection for a person who because of advanced age, physical infirmity, or mental infirmity cannot care for his or her own needs. Such services may include general household work and work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. The term “companionship services” does not include services relating to the care and protection of the aged or infirm person that require and are performed by trained personnel, such as registered or practical nurses.

This order also repeals and recreates the applicability of the chapter section and the overtime section to write these rules in a clearer format. There is no substantive change in these sections.

**Publication Date:** March 1, 2004  
**Effective Date:** March 1, 2004\*/\*\*  
**Expiration Date:** October 12, 2006

\* On April 28, 2004, the Joint Committee for Review of Administrative Rules suspended s. DWD 274.035 created as an emergency rule.

\*\* The legislative session ended on July 12, 2006, with no action on the bill that would have sustained the suspension action.

---



---

## Scope statements

---



---

### Health and Family Services

#### Subject

The Department of Health and Family Services proposes to amend ch. HFS 75, relating to substance abuse counselors, clinical supervisors, and prevention specialists.

#### Policy Analysis

The Department proposes to amend ch. HFS 75 relating to substance abuse counselors, clinical supervisors and prevention specialists (also known as substance abuse professionals) to reflect the transfer of credentialing authority for these professions from the Department of Health and Family Services to the Department of Regulation and Licensing (DRL) as required under 2005 Wisconsin Act 25, s. 9121 (12s).

The Department's rules relating to substance abuse counselors, clinical supervisors, and prevention specialists are void under 2005 Wisconsin Act 25, s. 9121 (12s) (b). Permanent rules relating to substance abuse counselors, clinical supervisors, and prevention specialists are under promulgation by DRL. Emergency rules promulgated by DRL are in effect.

#### Statutory authority

Sections 46.973 (2) (c), 51.42 (7) (b), 51.45 (8) and (9) and 227.11, Stats., and 2005 Wisconsin Act 25, s. 9121

#### Entities affected by the rule

Entities that will be affected by the proposed rules are substance abuse counselors, clinical supervisors, and prevention specialists, and substance abuse services that receive funds under ch. 51, Stats., is approved by the state methadone authority, is funded through the department as the federally designated single state agency for substance abuse services, receives substance abuse prevention and treatment funding or other funding specifically designated for providing services under ss. HFS 75.04 to 75.15 or is a service operated by a private agency that requests certification.

#### Comparison with federal regulations

There appear to be no existing or proposed federal regulations that involve the definition or qualifications of substance abuse counselors, clinical supervisors and prevention specialists.

#### Staff time required

The Department estimates that it will take approximately 150 hours for staff to develop the proposed rules. The Department will collaborate with DRL and an advisory committee to ensure consistency between ch. HFS 75 and the rules created by DRL.

#### Contact Person

Greg Levenick  
(608) 266–1987

### Insurance

#### Subject

*Objective of the rule.* During the discussion on July 18, 2006 with the Joint Committee for the Review of Administrative Rules (JCRAR) and the Office of the Commissioner of Insurance, the JCRAR agreed to not suspend ss. Ins 9.25 (1), (3), (5) and Ins 9.27, Wis. Adm. Code, if the Office agreed to implement a permanent and emergency rule grandfathering any preferred provider policy that has been or is issued prior to January 1, 2007.

The proposed rule will comply with the JCRAR's request by implementing an applicability provision limiting the application of the new requirements that are effective January 1, 2007, to newly issued policies and grandfather preferred provider plan policies issued by insurers that are currently being marketed and sold that do not meet the requirements specified in s. Ins 9.25 and 9.27, Wis. Adm. Code. The limited exemption would grandfather those insurers who have sold policies issued on or before December 31, 2006 to Wisconsin citizens from compliance with the new preferred provider plan requirements established by s. Ins 9.25 and 9.27, Wis. Adm. Code. This proposed rule will also be issued by the Office as an emergency rule in accordance with the direction of JCRAR.

#### Policy Analysis

Chapter Ins 9 includes the provisions cited above which address the requirements for insurers offering preferred provider plans beginning January 1, 2007. There are policies being issued by licensed insurers that do not comply with the new requirements. To recognize these existing policies that do not contain the necessary provisions to comply with the new requirements, JCRAR requested the Office grandfather those existing preferred provider plans from modifying this block of business subsequent to January 1, 2007 and permit those policies to continue in the form sold. Newly issued policies after January 1, 2007 will be required to be compliant with s. Ins 9.25 and 9.27, Wis. Adm. Code.

There is no viable alternative to establishing by rule the requirements for these health insurance products. The statutory framework contained within ch. 609 and s. 632.85, Wis. Stats., raise the issues that the proposed rule will address.

#### Statutory authority

The statutory authority for this rule is sections 600.01 (2), 601.41 (3), 601.42, 609.20, 609.38 and 628.34 (12), Stats.

#### Staff time required

200 hours and no other resources are necessary

#### Entities affected by the rule

The proposed rule will affect insurers which offer defined network plans, health maintenance organizations and preferred provider plans. Insurers will be required to revise their relationships, including provider and insurance contracts, with health care providers, health care provider networks, employers and individuals.

**Comparison with federal regulations**

The Office is unaware of any proposed or existing federal regulation that is intended to address the activities to be regulated by this proposed rule.

**Contact Person**

Fred Nepple  
(608) 266–7726  
fred.nepple@oci.state.wi.us

**Natural Resources****Subject**

*Objective of the rule.* Update the administrative code to incorporate current federal regulations, modify existing development standards language, and update technical standards and guidance in code.

**Policy Analysis**

While changes were made to the engineering standards in 1986, ch. NR 116 development standards have not been revised since the code was originally promulgated in the early 1970's. Since then, significant advances have been made in disaster-resistant building techniques, the importance of preserving floodplains for resource-protection and public safety purposes, and in floodplain engineering and mapping standards. The code needs to be revised to reflect these advances and to incorporate language that promotes wise and sustainable use of floodplain areas. Some of the specific sections to be addressed include: Accessory structure standards in the code must be revised to remain in compliance with minimum FEMA standards. Floodproofing language needs to be expanded. Floodway development standards need to be clarified. Department duties as outlined in the code are dated and don't reflect the current workload requirements.

**Statutory authority**

Section 87.30, Stats.

**Staff time required**

500 – 600 hours for program and legal staff.

**Entities affected by the rule**

Current and potential floodplain property owners, local zoning officials, realtors, builders.

**Comparison with federal regulations**

Chapter NR 116 complements the federal regulations in 44 CFR, Part 60. The purpose of separate state regulations is to expand on the minimum national standards in order to adequately address flooding concerns (spring runoff, ice jams) which are found in the upper Midwest. NR 116 includes higher building elevation standards, building restrictions and regulations for pre-existing structures.

**Natural Resources****Subject**

Wisconsin Act 347 became effective April 29, 2006 and necessitates rule revisions to incorporate many of its provisions. Act 347 was the product of a Special Committee on Septage Disposal formed by the Joint Legislative Council. Key provisions of the Act include the following:

1. Septage capacity needs must be considered for non-sewered areas in a Publicly Owned Treatment Works (POTW) planning area when facility planning provides for a capacity increase of at least 20%. While the capacity is not strictly required to be provided even if needed, the expectation is that item two (below) will provide the necessary incentive to do so.

2. A zero percent Clean Water Fund loan will be offered for that portion of a public project which will provide planning, receiving facilities, treatment capacity, and disposition of septage.

3. Establishes a uniform protocol for setting costs for septage receiving at a POTW, and requires a 60 day prior notification to haulers of any price increases.

4. Establishes a three step process for rate dispute resolution between a hauler and a POTW, with the Public Service Commission (PSC) as the mediating agency.

5. Explicitly establishes DNR as having regulatory authority for biosolids and septage and disallows restrictive local ordinances for land application of these materials.

6. Allows the department to utilize the Attorney General's office for enforcement of septage violations. This approach is consistent with other environmental programs. The Department also retains citation authority and the ability to enforce through County District Attorney offices.

7. Limits the farmer exemption for septage to only septic tanks and removes the exemption for holding tanks.

8. Requires all counties to administer the septage maintenance program (currently 5 counties do not do so). This provision is under the Department of Commerce authority and will not be addressed by DNR rule-making efforts.

**Policy Analysis**

Major policy issues were addressed in the development process of the final Legislation. Minor policy issues and implementation procedures will be resolved and implemented in the rule-making effort. Such issues include how to implement facility planning requirements for POTW's and the applicability of the zero percent Clean Water Fund loan for that portion of a project dedicated to planning, receiving facilities, treatment capacity and ultimate disposition of septage. Consideration will be given to providing flexibility in business licensing and operator certification requirements to farmers no longer able to utilize the farmer exemption for holding tank waste. Consideration will also be given to how to deal with the necessary rescission of existing restrictive local ordinances pertaining to land application of municipal biosolids and septage, which are no longer allowed.

**Statutory authority**

ss. 281.41, 281.48, 281.49, 281.58, 281.98, 283.31, 283.82, 283.85, and 299.95 Stats.

**Staff time required**

Because most policy issues have been addressed in the legislation itself, the department does not anticipate significant staff time to be necessary for these rule revisions. Approximately 125 total hours of staff time may be necessary.

**Entities affected by the rule**

The entities affected by these rule revisions are likewise affected by the Legislation itself as the department is merely implementing the statutory changes into rules. The entities include: municipal wastewater plants, licensed septage haulers, small operation farmers, local units of government, counties, Public Service Commission, and engineering consultants.

### Comparison with federal regulations

US EPA has promulgated regulations for the ultimate disposition of septage in 1993 in Part 503 of Chapter 40 of the Code of Federal Regulations. The Department incorporated those requirements in Chapter NR 113 in 1997 (modified in 1999). However, the revisions to be done in this effort have no correlation to federal standards either existing or proposed. They are the result of Wisconsin Legislative action only.

## Natural Resources

### Subject

*Objective of the rule.* The purpose of this rule order package is to develop procedures which will allow the Department of Natural Resources to become a member of the International Wildlife Violators Compact. These rules will be located in Chapter NR 8, Wis. Adm. Code.

The Department of Natural Resources has been authorized by the legislature under 2005 Wis. Act 282 to enter into a Wildlife Violator Compact with other states. Under the compact, convictions of wildlife law and revocation or suspension of licenses that authorize the pursuing, taking or possession of wildlife that occur in any member state are treated as if they occurred in all member states. Before the department can become a member of the compact, new rules and procedures need to be developed which to allow the department to administer a program that will:

1. Assure all residents receive notification when their license has been suspended by this state or any other member state,
2. Assure the exchange of information between the department, the district attorneys and the clerks of court, and
3. Provide an administrative appeal process by which the department can establish if sufficient grounds exist to deny a persons application or suspend their approvals.

New rules are required pursuant to Act 282 to assure due process is afforded to individuals subject to administrative suspensions in this state or who are suspended in a member state.

When all necessary rules and procedures are in place, the department will apply to become a member state.

### Policy Analysis

Prior to the authority granted under 2005 Act 282, a person who had their hunting, trapping or fishing privileges suspended in another state could still obtain an approval and engage in those activities in this state. Under Act 282, the department has been authorized to enter into a compact with other states. Doing so will allow the department to treat nonresidents who are from a state which is a member of the

compact the same as a resident when they commit a violation in this state.

The mobility of many violators necessitates the maintenance of channels of communication among the various states. Usually, if a person is cited for a wildlife violation in a state other than the person's home state, one or more of the following occur:

- a. The violator is required to post collateral or a bond to secure appearance for a trial at a later date.
- b. The violator is taken into custody until the collateral or bond is posted.
- c. The violator is taken directly to court for an immediate appearance.

The purpose of these enforcement practices is to ensure compliance with the terms of a wildlife citation by the violator who, if permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard the terms of the citation. These practices may cause inconvenience and hardship for the violator who is unable at the time to post collateral, furnish a bond, stand trial, or pay a penalty, and thus is compelled to remain in custody until some alternative arrangement is made. This practice can consume an substantial amount of law enforcement time.

States that are members of the compact must agree to recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat the suspension as if it had occurred in the home state. In addition, each member state must allow a violator to accept a wildlife citation and, without delay, proceed on his or her way, whether or not a resident of the state in which the citation was issued, if the violator's home state is party to this compact.

### Statutory authority

Sections 29.03, 29.972 and 227.11(2), Wis. Stats.

### Staff time required

100 hours.

### Comparison with federal regulations

N/A.

### Entities affected by the rule

This rule will impact all individuals who have their hunting, fishing or trapping privileges or approvals, suspended or revoked, for a violation of Chapter 29, Wis. Stats., or a rule promulgated under that chapter. In addition, this rule will affect all individuals who have had their hunting, fishing or trapping privileges or approvals, suspended or revoked by another state which is a member of the Wildlife Violators Compact, for a violation of the laws of the member state.

---

---

## Submittal of rules to legislative council clearinghouse

---

---

*Please check the Bulletin of Proceedings – Administrative Rules  
for further information on a particular rule.*

### **Elections Board**

On August 15, 2006, the State Elections Board submitted a proposed rule order to the Wisconsin Legislative Council Rules Clearinghouse.

#### **Analysis**

The proposed rule affects ch. ElBd 1, relating to the use of federal campaign funds in a campaign for a Wisconsin elective office.

#### **Agency Procedure for Promulgation**

A public hearing will be held on October 4, 2006.

#### **Contact Person**

George A Dunst  
(608) 266–0136

### **Natural Resources**

On August 25, 2006, the Department of Natural Resources submitted a proposed rule order to the Wisconsin Legislative Council Rules Clearinghouse.

#### **Analysis**

The proposed rule affects chs. NR 660 to 666, relating to manifest documents used in conjunction with the transportation of hazardous waste.

#### **Agency Procedure for Promulgation**

A public hearing will be held on September 26, 2006.

#### **Contact Person**

Pat Chabot  
Bureau of Waste and Materials Management  
(608) 264–6015

### **Transportation**

On August 15, 2006, the Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

#### **Analysis**

The proposed rule affects ch. Trans 112, relating to medical standards for driver licensing and general standards for school bus endorsements.

#### **Agency Procedure for Promulgation**

A public hearing will be held on September 19, 2006. The Division of Motor Vehicles, Medical Review Unit, is responsible for promulgation of this rule.

#### **Contact Person**

Julie A. Johnson, Paralegal  
(608) 267–3703

### **Transportation**

On August 22, 2006, the Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

#### **Analysis**

The proposed rule affects chs. Trans 141 and 156, requiring motor vehicle dealers to issue vehicle titles and registrations electronically, unless exempted by the department.

#### **Agency Procedure for Promulgation**

A public hearing will be held on October 12, 2006. The Division of Motor Vehicles, Bureau of Vehicle Services, is responsible for promulgation of this rule.

#### **Contact Person**

Julie A. Johnson, Paralegal  
(608) 267–3703

---



---

## Rule–making notices

---



---

### Notice of Hearing Natural Resources

#### Environmental Protection–Air Pollution Control, Chs. NR 400—

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11 (2) (a), 227.14 (1m) and 285.11 (1) and (6), Stats., interpreting s. 285.11 (6), Stats., the Department of Natural Resources will hold public hearings on the creation of ch. NR 432, Wis. Adm. Code, relating to the establishment of provisions for major electric generating units in Wisconsin to comply with the Clean Air Interstate Rule (CAIR) promulgated by the U.S. Environmental Protection Agency (EPA).

#### Analysis prepared by Department of Natural Resources

EPA has promulgated federal rules to reduce the interstate transport of fine particles and ozone (Clean Air Interstate Rule – CAIR) for 28 states including Wisconsin. CAIR focuses on reductions of emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) from fossil–fuel–fired electric generating units (EGUs). The federal rule caps emissions from EGUs in two phases (2009 and 2015) and allows EGUs to meet their respective emissions caps through installation of controls or by trading emission allowances through a federally administered trading program. The federal rule allows states to implement the federal rule through various state–specific options including varying the structure of the allocation of NO<sub>x</sub> allowances to state utilities from the federal model rule. This proposed rule involves the NO<sub>x</sub> allocation structure for the CAIR NO<sub>x</sub> annual allowances and the CAIR NO<sub>x</sub> ozone season allowances. The structure is the same for the two programs. The SO<sub>2</sub> program is administered in its entirety by the U.S. EPA and is not addressed by this rule.

The main allocation pool consists of the allowances allocated by EPA to Wisconsin in its state budget, minus allowances for the new unit set–aside. The NO<sub>x</sub> allowances are allocated from the main allocation pool to existing units (those units commencing operation before January 1, 2001) based on the average of the highest three years of electric generation over a five year period. The allowances are distributed to the units in the main allocation pool based upon a unit’s percentage share of the total generation for all units.

For new units (those units commencing operation on or after January 1, 2001), a new unit set–aside of 7% of the state budget is proposed. New units are allocated allowances from this set–aside based on the unit’s NO<sub>x</sub> emissions in the previous year until the unit has operated for five years and has established a baseline. (Once a new unit has operated 5 years and established a baseline, the unit’s allowances will be allocated from the main allocation pool, not the new unit set–aside.) Allowances from the new unit set–aside are applied for and allocated in the compliance year starting in 2009. If applications for the new unit set–aside are oversubscribed, the set–aside allowances are distributed to the applicants on a percentage basis. If applications for the new unit set–aside are undersubscribed, the remaining set–aside allowances are distributed to the units in the main allocation pool.

Vintage year 2009–2014 allowances are allocated from the main allocation pool in 2007 based on generation data from 2000–2004. Starting in 2011, allowances from the main

allocation pool are allocated yearly, four years in advance of the compliance year. In 2011, the unit baseline is updated every five years to reflect current operating data and the state baseline is updated every year to incorporate new units into the main allocation pool that have established a baseline.

Combined heat and power units receive allowances based on electricity generation and useful thermal energy produced.

The compliance supplement pool (CSP) consists of additional CAIR NO<sub>x</sub> annual allowances which are distributed only in calendar year 2009 to CAIR NO<sub>x</sub> units which either demonstrate that they achieved early emission reductions in 2007 and 2008 at the 2009 CAIR level of compliance or demonstrate that compliance would create extreme hardship for the unit. There are 4,989 CAIR NO<sub>x</sub> annual allowances available for distribution from the CSP. If there are excess allowances after the 2009 distribution, these allowances are retired.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have a direct economic impact on small businesses. CAIR imposes no reporting, compliance or performance standards on small businesses. CAIR may increase the cost of electricity and therefore will have an indirect impact on small businesses through higher electricity costs. The Department’s Small Business Regulatory Coordinator may be contacted at [Small.Business@wi.gov](mailto:Small.Business@wi.gov) or by calling (608) 266–1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department’s consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the public hearings will be held on:

**October 10, 2006**  
Tuesday at 1:00 p.m.  
Pinery Room  
Portage County Library  
1001 Main Street  
Stevens Point

**October 12, 2006**  
Thursday at 1:00 p.m.  
Room 141  
DNR Southeast Region Hdqtrrs.  
2300 North Dr. Martin Luther  
King Jr. Drive  
Milwaukee

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please contact Robert Eckdale at (608) 266–2856 or by e–mail at [Robert.Eckdale@dnr.state.wi.us](mailto:Robert.Eckdale@dnr.state.wi.us) with specific information on your request at least 10 days before the date of the scheduled hearing.

#### Fiscal Effect

The Department of Natural Resources is expected to incur minimal additional cost to implement and administer the

rules. There will be costs associated with the collection of operating data from the affected units as well as yearly updates to the allocations starting in 2011. The total estimated impact on Department resources is approximately one–twentieth of a FTE per year, which, assuming \$80,000 per FTE salary and fringe, will be \$4,000 annually. The reductions in NOx emissions from the rule is not expected to significantly impact the Air Program’s emission fee revenues under the current fee structure.

#### **Copy of rule and submission of written comments**

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. (Search this Web site using the Natural Resources Board Order Number AM–03–06.) Written comments on the proposed rule may also be submitted to Ms. Marney Hoefler, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 or by e–mail to [Margaret.Hoefler@dnr.state.wi.us](mailto:Margaret.Hoefler@dnr.state.wi.us) no later than October 23, 2006. Written comments will have the same weight and effect as oral statements presented at the public hearings. If you do not have Internet access, a personal copy of proposed rule and supporting documents, including the fiscal estimate may be obtained from Robert Eckdale by calling (608) 266–2856 or by writing him at Bureau of Air Management, P.O. Box 7921, Madison, WI 53707.

### **Notice of Hearing Natural Resources [CR 06–102]**

#### **Environmental Protection–Hazardous Waste Management, Chs. NR 600—**

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11 (2) (a), 227.14 (1m), 291.05 (5) (a), (6) (b) and (7) and 291.07 (2), Stats., interpreting ss. 227.14 (1m) (b), 291.21 (6), 291.23 (2) and 291.25 (3), Stats., the Department of Natural Resources will hold a public hearing on revisions to chs. NR 660, 661, 662, 663, 664 and 665, Wis. Adm. Code, relating to manifest documents used in conjunction with the transportation of hazardous waste.

#### **Analysis prepared by Department of Natural Resources**

The proposed rule (WA–30–06) incorporates relevant portions of US EPA’s changes to the hazardous waste manifest system, adopted at 70 FR 10776 (March 4, 2005) and correcting amendments adopted at 70 FR 35034 (June 16, 2005), and found at 40 CFR§ 260, et seq., which take effect nationwide September 5, 2006. The proposed rule eliminates all Wisconsin–specific manifest requirements, including the use of the Wisconsin manifest form for waste shipped into or within the state, or to another state that did not supply manifest forms. Instead, the proposed rule requires the use of national uniform manifest forms with a standardized set of instructions and requirements that apply in all states. Manifest users will obtain manifests from US EPA–certified printers, rather than obtaining them from the department. The department will continue to require copies of final signed manifests to be sent to the department for shipments received by Wisconsin treatment and storage facilities, and from generators for shipments of waste sent out of state for treatment or disposal.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

a. Types of small businesses affected: Any small business that generates, transports, recycles, treats, stores or disposes of hazardous waste.

b. Description of reporting and bookkeeping procedures required: No additional reporting or bookkeeping procedures will be required to comply with the state rules.

c. Description of professional skills required: No new or special professional skills or experience will be required to comply with the state rules.

The Department’s Small Business Regulatory Coordinator may be contacted at [Small.Business@wi.gov](mailto:Small.Business@wi.gov) or by calling (608) 266–1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department’s consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to ss. 227.11(2)(a), 227.14(1m), 227.24(1)(a), 291.05(5)(a), (6)(b) and (7) and 291.07(2), Stats., interpreting ss. 227.14(1m)(b), 291.21(6), 291.23(2) and 291.25(3), Stats., the Department of Natural Resources will hold a concurrent public hearing on Natural Resources Board Emergency Order No. WA–31–06(E) relating to the manifest documents used in conjunction with the transportation of hazardous waste. This emergency order is identical to the proposed rule. It was adopted by the Wisconsin Natural Resources Board on August 17, 2006 and will be effective on September 5, 2006.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held at:

**11:00 AM Tuesday, September 26, 2006 in**

Room 511, GEF II Building  
Department of Natural Resources  
101 S. Webster Street  
Madison, Wisconsin

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Patricia Chabot at (608) 264–6015 with specific information on your request at least 10 days before the date of the scheduled hearing.

#### **Fiscal Effect**

Hazardous waste generators, transporters, and treatment, storage and disposal facilities have been required by law to use hazardous waste manifests for more than 20 years. The manifests provide a complete paper trail of a waste’s progress from a generator through treatment or storage to final disposal. Although this is a federally mandated requirement, states have had the option to provide and require the use of state–specific manifest forms, which Wisconsin has done. The Department annually spent around \$7,000 from the Federal Hazardous Waste Grant to print and provide manifest copies to its customers.

EPA has made changes to the federal hazardous waste manifest system which include mandatory use of a new federal manifest form. State–specific forms can no longer be used after the federal requirements take effect in September 2006, and the federal forms must be obtained from a select number of EPA–certified printers.

The proposed rules eliminate all Wisconsin–specific manifest requirements, including the use of the Wisconsin manifest form for waste shipped into or within the state, or to another state that did not supply manifest forms. Instead, the revised rules propose to require the use of national uniform manifest forms with a standardized set of instructions and requirements that apply in all states. The EPA regulations require certification from EPA in order to print and distribute the national uniform manifest forms. Manifest users will obtain manifests from EPA–certified printers, rather than obtaining them from the department.

The department will continue to require copies of final signed manifests to be sent to the department for shipments received by Wisconsin treatment and storage facilities, and from generators for shipments of waste sent out of state for treatment disposal.

#### **Copy of rule and submission of written comments**

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: [adminrules.wisconsin.gov](http://adminrules.wisconsin.gov). Written comments on the proposed rule may be submitted via U.S. mail to Patricia Chabot, Bureau of Waste & Materials Management, P.O. Box 7921, Madison, WI 53707. Comments may be submitted no later than October 2, 2006. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearing. A personal copy of the proposed rule and fiscal estimate may be obtained from Patricia Chabot.

### **Notice of Hearing Transportation [CR 06–101]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16 (1), 227.11 (2), 342.16 (1) (am), Stats., and interpreting ss. 218.0116 (1) (gr), 218.0146 (4), 342.16 (1) (a) and (am), Stats., the Department of Transportation will hold a public hearing in **Room 144–B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **12th** day of **October**, 2006, at **10:00 AM**, to consider the amendment of ch. Trans 156 and the creation of ch. Trans 141, Wis. Adm. Code, relating to requiring motor vehicle dealers to issue vehicle titles and registrations electronically, unless exempted by the Department.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Parking for persons with disabilities and an accessible entrance are available.

#### **Analysis Prepared by the Wisconsin Department of Transportation**

Statutes interpreted: ss. 218.0116 (1) (gr), 218.0146 (4), 342.16 (1) (a) and (am), Stats.

Statutory authority: ss. 85.16 (1), 227.11 (2), 342.16 (1) (am), Stats.

Agency authority: The Department licenses motor vehicle dealers pursuant to ch. 218, Stats., and issues motor vehicle certificates of title and registration pursuant to chs. 341 and 342, Stats.

Related statute or rule: ss. 218.0111, 218.0116, 218.0152, 341.08, 341.21, 342.06 and 342.09, Stats.; chs. Trans 138 and Trans 139.

Plain language analysis: This proposed rule implements provisions enacted in 2005 Wis. Act 25 that require motor

vehicle dealers licensed in Wisconsin to process applications for certificate of title for any vehicles the dealer sells. This proposed rule also specifies what categories of dealers are not required to process title and registration applications, and under what circumstances a dealer will be exempted from processing some of the dealer’s transactions. The rule establishes penalties that DOT may impose on a non–exempt dealer, by law, required to process title and registration applications who fails to do so. The rule establishes a fee that a dealer will be charged by DOT for DOT to process the dealer’s transactions, including not only those dealers or types of transactions that are exempted by DOT, but also a penalty for dealers who fail to comply with the law. The rule clarifies under what circumstances DOT may deny a dealer the authority to process title and registration applications, and the penalties that DOT may apply, including sanctions to the dealer’s license.

#### **Comparison with federal regulation**

No federal regulations apply to the activities to be regulated by this rule.

#### **Comparison with rules in adjacent States**

**Michigan:** Michigan law does not require motor vehicle dealers to process titles and registrations. Michigan does have a voluntary program called Dealer Direct, which allows dealers to contract with a vendor to process titles and registrations for dealers.

**Minnesota:** Minnesota law does not require motor vehicle dealers to process titles and registrations. Minnesota currently allows dealers to use a vendor to process titles and registrations for dealers, but the applications must be submitted to DMV through Deputy Registrars Offices rather than electronically.

**Illinois:** Illinois law does not require motor vehicle dealers to process titles and registrations. Illinois is currently beginning a voluntary program to allow dealers to use a vendor to process titles and registrations.

**Iowa:** Iowa currently has no law that requires motor vehicle dealers to electronically process titles and registrations. Iowa is currently considering a program for electronic processing by dealers.

#### **Summary of factual data and analytical methodologies**

DOT utilized dealer sales volume and dealer sanction data to determine which dealers should be exempt from requirement to process title and registration applications. DOT considered DOT’s data processing system requirements and scheduled programming to determine which transactions are exempt. DOT utilized its experience with dealer license requirements and contract requirements in the voluntary APPS program to determine what financial and contractual requirements apply to dealers.

#### **Analysis and supporting documentation used to determine effect on small business**

DOT analyzed dealer sales volume data to determine the exemption threshold. DOT analyzed its experience with dealer participants in the voluntary APPS program to determine financial, contractual, and reporting requirements for dealers under this law.

#### **Effect on small business**

This proposed rule implements a law that applies to all licensed motor vehicle dealers, some of which are small businesses. Effect on small business is that which results from the law. All licensed motor vehicle dealers are required to process title and registration applications, unless exempted by DOT. This rule exempts small dealers, which sell fewer than 4 vehicles a month or 48 vehicles per year, as DOT finds that

these dealers likely do not have the computer hardware capability to engage in electronic processing. DOT has successfully operated a voluntary APPS program, in which small businesses (dealerships) participate in significant numbers. DOT has largely replicated that level of requirement in this mandatory program, as DOT has found this level is not onerous for small businesses. The Department's Regulatory Review Coordinator may be contacted by e-mail at [andrew.ruiz@dot.state.wi.us](mailto:andrew.ruiz@dot.state.wi.us), or by calling (414) 438–4585.

### **Fiscal effect and anticipated costs incurred by private sector**

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally–recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

### **Contact person and Submission of comments**

The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Carson Frazier, Department of Transportation, Division of Motor Vehicles, Bureau of Vehicle Services, Room 255, P. O. Box 7911, Madison, WI 53707–7911. You may also contact Ms. Frazier by phone at (608) 266–7857.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

## **Notice of Hearing Transportation**

NOTICE IS HEREBY GIVEN that pursuant to s. 348.07, Stats., as amended by 2005 Wis. Act 363, interpreting s. 348.07, Stats., as amended by 2005 Wis. Act 363, the Department of Transportation will hold a public hearing on the **4th** day of **October**, 2006, at the Hill Farms State Transportation Building, **Room 501 (Eau Claire Room)**, 4802 Sheboygan Avenue, Madison, WI, at **9:00 AM**, to consider the emergency rule amendment of ch. Trans 276, Wis. Adm. Code, relating to allowing the operation of certain 2–vehicle combinations on certain highways without a permit.

Parking for persons with disabilities and an accessible entrance are available.

### **Copy of emergency rule**

A copy of the emergency rule may be obtained upon request from Ashwani Sharma, Department of Transportation, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, WI 53707–7986. You may also contact Mr. Sharma by phone at (608) 266–1273.

To view the emergency rule via e-mail/internet, you may visit the following website:

<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

### **Analysis prepared by the Department of Transportation**

Statutes interpreted: s. 348.07, Stats., as amended by 2005 Wis. Act 363

Statutory authority: s. 348.07, Stats., as amended by 2005 Wis. Act 363

Explanation of agency authority: Section 7 of 2005 Wis. Act 363 requires the Department to propose emergency and permanent rules for purposes of implementing that Act.

Related statute or rule: s. 348.07, Stats., and ch. Trans 276, Wis. Admin. Code

Plain language analysis: Section 348.07 (1), Stats., historically has limited vehicle lengths on Wisconsin highways to 65 feet. Section 348.07 (2), Stats., allowed vehicles meeting the specifications of that subsection to operate without permits despite exceeding the 65–foot limit of subsection (1).

2005 Wis. Act 363 amended s. 348.07, Stats., and essentially made 75 feet the default permitted length on the state trunk highway system. Wisconsin's old default 65–foot overall length limit still applies on all local roads but only applies to state trunk highways that are designated as 65–foot restricted routes by the Department. This emergency rule making establishes a preliminary list of such “65–foot restricted routes.”

Prior to Act 363, s. 348.07 (4), Stats., permitted the Department to designate “long truck routes” upon which no overall length limits apply. The Department designates the state's long truck routes in s. Trans 276.07. This rule making does not affect those longstanding designations.

The new “default” 75–foot overall length limit applies on state highways that are neither designated as 65–foot restricted routes under this rule making nor long truck routes under s. Trans 276.07.

Definitions have been added to the rule to make it easier to identify the nature of designations made by the Department in Ch. Trans 276.

In drafting this rule the Department noticed several items that it believes may be of special interest to the legislature and which, in the Department's view, deserve special legislative attention. First, Act 363 did not grant any authority for 75–foot vehicles using the new 75–foot routes to leave those routes to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly facilities or points of loading or unloading. The Department does not believe this oversight was intentional and, on an emergency basis, has designated the intersection of each 75–foot route and any other highway as a long truck route under its authority in s. 348.07(4), Stats. This will permit trucks to exceed the 65–foot default length limit on local roads to access such facilities and make deliveries. The Department encourages the legislature to consider statutorily establishing access rights for vehicles using 75–foot restricted routes.

The second consequence of Act 363 the Department has discovered in drafting this emergency rule is that one statute that formerly restricted double–bottom tractor–trailer combinations to the state's long–truck network was repealed by the deletion of the reference to s. 348.07(2)(gm), Stats., by the Act's amendment of s. 348.07(4), Stats. Under the amended statute, as revised by Act 363, it might appear to a reader that double bottom trucks of unlimited length may operate upon any highway in the state, including local roads and streets, without permits. Section 348.08(1)(e), Stats., however, continues to provide that double–bottom trucks be restricted to highways designated by the department under s. 348.07(4). WisDOT believes this provision continues to limit double–bottom operation to long truck routes designated by

the Department under s. 348.07(4), Stats. WisDOT would suggest the deleted reference to (2)(gm) in 348.07(4), Stats., be re–inserted into the statute to avoid confusion.

Finally, the Department notes that s. 348.07, Stats., is becoming difficult to decipher from a legal standpoint because of the many amendments that have been made to it over the years. It may be that recodifying the statute for the purpose of clarification of the length limitations of Wisconsin law would be helpful to truck and long vehicle operators in this state.

### Comparison with federal regulation

Federal regulations are intended to identify a National Network of highways available to vehicles authorized by provisions of the Surface Transportation Act of 1982 as amended, and to prescribe national policies that govern truck and bus size and weight. The objective of those federal regulations, found in Part 658 of 23 CFR Chapter I, is to provide a safe and efficient network of highways that can safely and efficiently accommodate the large vehicles authorized in federal law. The network includes the Interstate system and other qualifying primary highways. The federal regulation seeks to assure there is reasonable access to the National Network for commercial motor vehicles and to preserve the national network in order to accommodate large vehicles.

States are required to allow the following vehicles on the national network subject to the criteria listed:

(1) A semitrailer operating in a truck tractor–semitrailer combination may not be subject to a length limitation of less than 48 feet. 23 CFR 658.13(b)(1).

(2) Any semitrailer or trailer operating in a truck tractor–semitrailer–trailer combination may not be subject to a length limitation of less than 28 feet. 23 CFR 658.13(b)(2).

(3) Commercial vehicles operating in truck tractor–semitrailer or truck tractor–semitrailer–trailer combinations may not be subjected to an overall length limitation. 23 CFR 658.13(b)(3).

(4) Commercial motor vehicles operating in truck tractor–semitrailer–trailer combinations (“double–bottoms”) may not be prohibited. 23 CFR 658.13(b)(4).

(5) Some vehicles types that were in use in 1982, and various specialized vehicles must be permitted to operate on the national network. 23 CFR 658.13.

This emergency rule making is consistent with federal regulation in that the objective is to provide a safe and efficient system for accommodating large vehicles that integrates with the national network. The rule making is intended to provide reasonable access while applying size limits to other highways as needed to preserve safety and efficiency in system operations. None of the changes made by 2005 Wis. Act 363 nor this rule making are in conflict with the federal length limitations.

### Comparison with rules in adjacent states

**Michigan:** Allows 53 ft. semi–trailers on designated highways only approved by the state transportation department or a local authority. Maximum length from kingpin to axle is 37.5 ft. to 40.5 ft. There is no restriction on maximum overall tractor–semitrailer length. Allows 5–mile access provision on state highways for food, fuel, repairs or rest.

**Minnesota:** Allows 53 ft. semi–trailers on any road with an overall length restriction of 75 ft. No restriction on divided highways. Commissioner may designate other than divided highways, subject to local approval, for the purpose of providing reasonable access between divided highways.

**Illinois:** Allows 53 ft. semi–trailers on designated highways on Class I, II and III highways. Maximum length from kingpin to axle is 45.5 ft. There is no restriction on maximum overall tractor–semitrailer length for Class I and II highways, but a 65 ft. restriction on Class III highway, and a 55 ft. restriction on non–state highways. Allows a 5–mile access provision off a state route.

**Iowa:** Allows 53–ft. semi–trailers on any highway and no maximum overall semi–trailer length restriction.

### Summary of factual data and analytical methodologies

The process for identifying routes of importance for commerce has been in place for many years. Most routes of importance have been reviewed for adequacy to accommodate long trucks based on requests from shippers or receivers. As a result, there is a reasonable basis for identifying those routes where 53–foot trailers may not be appropriate and require further consideration through the permanent rule making process. Department traffic engineers and law enforcement personnel familiar with the routes have been involved in these decisions, along with input from local county highway officials and county elected officials. Given the new approach of expanded access distances and the ability to distinguish between routes where 53–foot trailers may be operated and routes where double or twin trailer trucks may be operated, the regulatory approach of first gaining experience with the benefits of the expanded access distance, and only limited revisions to the routes available for through traffic with 53–foot trailers pending the results of the more inclusive process for permanent rule making, this approach will allow the majority of the benefits to be realized immediately while giving adequate consideration to safety concerns and community input as to designation of through routes.

### Analysis and supporting documentation used to determine effect on small business

There has been no analysis to determine the effect on small business as the statutory change has provided significant additional opportunities to use longer trailers when accessing businesses that are not located on routes designated for long trucks, both on and off the state highway system, and therefore the impact is assumed to be positive for small businesses. This would not be the case had the Department not included in the emergency rule the provision to allow access by the designation of intersections of each 75–foot route as a designated long truck route. Since the majority of shipping points or destinations will be accessible based on the expanded access provision, these benefits are assumed to be substantially greater than the impacts of any remaining restrictions on routes that may be reconsidered for designation during the permanent rule making. If the 75–foot access provision is not provided in the permanent rule or is not legislatively adopted, the effect on small business will still be positive, but less so than the ability to travel off of 75–foot routes.

### Effect on small business

The rule will expand freight access for small businesses by allowing delivery with 53–foot trailers when located within 15 miles of a designated route. In addition, while the emergency rule making includes only minor changes to the portions of the state highway system that may be used as through routes for 53 foot trailers, the permanent rule making to follow these emergency rules will include a review of additional routes that may be appropriate for those longer trailers, and will provide an opportunity for additional public input into those designations. The expanded freight opportunities are expected to benefit small businesses. There is not expectation that enforcement of the rule provisions will change. The Department’s Regulatory Review Coordinator

may be contacted by e-mail at [andrew.ruiz@dot.state.wi.us](mailto:andrew.ruiz@dot.state.wi.us), or by calling (414) 438-4585.

**Fiscal effect of the rule, and anticipated costs incurred by private sector**

The fiscal effect of the rule is negligible. The Department is obligated to provide maps as deemed necessary, and those maps and materials require periodic updating. The results of

this rule making will be incorporated in a routine update. The Department will take into consideration the potential impacts to infrastructure in determining those routes that are appropriate for specific truck lengths and types. Costs to be incurred by the private sector are voluntary. The rule change will not mandate any equipment changes, but rather will allow expanded use of certain types of existing equipment.

---

---

## Submittal of proposed rules to the legislature

---

---

*Please check the Bulletin of Proceedings – Administrative Rules for further information on a particular rule.*

### Administration

#### (CR 06–084)

Ch. Adm 47, relating to the Wisconsin Land Information Program.

### Administration

#### (CR 06–090)

Ch. Adm 10, relating to cost–benefit analyses of contractual services.

### Commerce

#### (CR 05–113)

Chs. Comm 2, 20, 21, 60 and 61, relating to erosion control, sediment control and storm water management for the construction of buildings.

### Commerce

#### (CR 06–071)

Chs. Comm 5, 20, 21, 22 and 27, relating to the installation of manufactured homes.

### Commerce

#### (CR 06–034)

Ch. Comm 131, relating to diesel truck idling reduction grants.

### Corrections

#### (CR 06–066)

Ch. DOC 332, relating to the establishment of an annual sex offender fee to partially offset the costs of monitoring persons who are on probation, parole, or extended supervision.

### Emergency Management

#### (CR 06–088)

Ch. WEM 7, relating to the application process and criteria for determining eligibility for payments to local units of government and damages and costs incurred for major catastrophes.

### Health and Family Services

#### (CR 06–035)

Chs. HFS 62 and 75, relating to assessment and services for drivers with alcohol or controlled substance problems.

### Health and Family Services

#### (CR 06–076)

Ch. HFS 137, relating to prescribing forms for use by physicians, technicians, and tissue bank employees when removing organs and tissue, other than cardiovascular tissue from decedents.

### Health and Family Services

#### (CR 06–075)

Chs. HFS 110 and 111, relating to licensing emergency medical technicians.

### Insurance

#### (CR 06–083)

Ch. Ins 9, relating to defined network plans, preferred provider plans, and limited service health organizations and affecting small business.

### Natural Resources

#### (CR 06–038)

Ch. NR 320, relating to regulation of bridges and culverts in or over navigable waterways.

### Natural Resources

#### (CR 06–047)

Chs. NR 406, 407 and 410, relating to air pollution permit exemptions and air pollution permit exemption fees and affecting small business.

### Natural Resources

#### (CR 06–065)

Ch. NR 45, relating to regulation of firewood entering department lands and affecting small business.

### Natural Resources

#### (CR 06–074)

Ch. NR 10, relating to 2006 migratory game bird seasons and waterfowl hunting zones.

**Public Instruction****(CR 06–092)**

Ch. PI 21, relating to driver’s education requirements and aid.

**Public Instruction****(CR 06–093)**

Ch. PI 15, relating to establishing qualifications and selection procedures for CESA administrators.

**Public Service Commission****(CR 06–017)**

Ch. PSC 98, relating to rules concerning regulations of the Price Commission.

**Public Service Commission****(CR 06–046)**

Rules relating to assessments attributable to acid deposition studies and monitoring activities, the regulation of certain wireless telecommunications providers, radio common carriers, the repeal of obsolete language and the updating of rule language to be in conformity with current drafting conventions.

**Regulation and Licensing****(CR 06–060)**

Chs. RL 164 and 165, relating to a code of conduct and renewal requirements for substance abuse professionals.

**Regulation and Licensing****(CR 06–069)**

Chs. RL 90 to 94, relating to certification of massage therapists and bodyworkers.

**Regulation and Licensing****(CR 06–096)**

Chs. RL 180 to 183, relating to the issuance and renewal of licenses and temporary permits, standards of practice and grounds for discipline of licensed midwives.

**Revenue****(CR 06–063)**

Ch. Tax 2, relating to the apportionment of net business income of multistate businesses, other than specialized industries.

**Revenue****(CR 06–0873)**

Ch. Tax 1, relating to the discretion that the department will follow in the enforcement of rules and guidelines as they apply to a small business.

**Transportation****(CR 06–082)**

Ch. Trans 102, relating to operator’s licenses and identification cards.

**Transportation****(CR 06–089)**

Ch. Trans 105, relating to licensing of driver schools and instructors.

**Transportation****(CR 06–077)**

Ch. Trans 515, relating to contractual service procurement.

**Workforce Development****(CR 06–062)**

Chs. DWD 218 to 225, relating to procedures for civil rights complaints.

**Workforce Development****(CR 06–072)**

Ch. DWD 127, relating to the unemployment insurance work search.

**Workforce Development****(CR 06–073)**

Ch. DWD 129, relating to the unemployment insurance benefit claiming procedures.

**Workforce Development****(CR 06–095)**

Ch. DWD 59, relating to grants supporting community child care initiatives.

---

---

## Rule orders filed with the revisor of statutes bureau

---

---

*The following administrative rule orders have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Revisor of Statutes Bureau at gary.poulson@legis.state.wi.us or (608) 266-7275 for updated information on the effective dates for the listed rule orders.*

### **Commerce (CR 06-031)**

An order affecting ch. Comm 5, relating to licenses, certifications and registrations.  
Effective 11-1-06.

### **Natural Resources (CR 05-116)**

An order affecting chs. NR 439, 460 and 484, relating to natural emission standards for hazardous air pollutants for industrial, commercial and institutional boilers and process heaters.  
Effective 12-1-06.

### **Natural Resources (CR 06-011)**

An order affecting chs. NR 20, 21, 23 and 24, relating to fishing on the inland, outlying, and boundary waters of Wisconsin.  
Effective 10-1-06 and 4-1-07.

### **Natural Resources (CR 06-012)**

An order affecting chs. NR 10, 15, 16 and 19, relating to deer and turkey hunting, hunting and trapping

techniques, permit and license issuance, dog training, and learn to hunt programs.  
Effective 2-1-07 and 4-1-07.

### **Natural Resources (CR 06-022)**

An order affecting ch. NR 47, relating to the forestry research and development grant program.  
Effective 11-1-06.

### **Natural Resources (CR 06-027)**

An order affecting ch. NR 46, relating to the administration of the Forest Crop Law and Managed Forest Law.  
Effective 11-1-06.

### **Transportation (CR 06-043)**

An order affecting ch. Trans 327, relating to motor carrier safety.  
Effective 11-1-06.

### **Transportation (CR 06-064)**

An order affecting ch. Trans 102, relating to CDL exemptions.  
Effective 10-1-06.

The State of Wisconsin  
Department of Administration  
Bureau of Document Services  
Document Sales and Distribution Section  
P.O. Box 7840  
Madison, Wisconsin 53707-7840



**First Class Mail**

**Dated Material. Please Do Not Delay!**